

### **Remark**

Applicants respectfully request reconsideration of this application. Claims 1, 6, 10, 14 and 16 have been amended. No claims have been canceled. Therefore, claims 1-26 are now presented for examination.

### **35 U.S.C. §102 Rejection,**

#### ***Wugofski in view of Rosser***

The Examiner has rejected claims 1-26 under 35 U.S.C. § 103(a) as being unpatentable over Wugofski, U.S. Patent No. 6,003,041 ("Wugofski") in view of Rosser, U.S. Patent No. 6,446,261 ("Rosser"). Applicants thank the Examiner for the careful and thorough attention that was directed to this application in preparing the lengthy Response to Arguments of the last Office action. Applicant considers that this rejection is traversed and provide only a few comments below to make clear the primary points.

#### **1)Selecting one of the multiple versions [of an entertainment program]**

Applicants have pointed out that Wugofski does not show the **selecting** step of e.g. Claim 1. The Examiner asserts that the "TV-services module" 310 controls the multiplexor to select etc. As mentioned in the specification at column 4, lines 37-49. This selection is based on a "contemporaneous user selection of a specific event on a particular channel of a particular device via a TV-view interface 320." The Claim, however says that the selection is based on "the sets of descriptive information and a set of user preferences." Accordingly, the limitations of the Claim are not met.

## 2)Multiple Available Versions of an Entertainment Program

The Examiner has argued that Applicants' claims may read on identifying different episodes of a series, such as "Mad About You," and may also read on the same episode presented at different times, or from different sources, or in different audio or video formats. Applicants agree. The claims are not limited to the versions being the same episode even if that is one of the primary embodiments described in the specification. However, Applicants do not believe that the claims read on "multiple available versions of different entertainment programs." Wugofski states that records 411-413 of Figure 4 "show a single TV show available from three different sources at two different times." During the series' first run, these are probably the same episode. If the show is in syndication, then they may be different episodes. Wugofski is not specific but would seem to assume that they are the same episode.

## 3)Combination of Rosser and Wugofski

Applicants in the previous response submitted an argument for why it would not be obvious to take Rosser's commercial selection methodology and apply it to Wugsfski's multiple source EPG to arrive at the present invention. The Examiner's argument from page 6 of the present action would seem to be that it would have been obvious to modify Wugofski with the ability to select alternate content by user preferences in order to provide the user with a more customized stream of programming. Wugofski is not concerned with providing a customized stream of programming and Rosser is concerned only with customizing the commercial, so this motivation comes from outside the references.

Rosser is directed to selecting among commercials for different items, not for multiple available versions of a commercial. Targeted commercials have been and remain a matter of great interest and this interest is reflected in direct mail advertising, the selection of types of ads based on the type of programs, type of magazine, section of newspaper etc. Applicants submit that there has been no such level of interest in targeted programming. Applicants are unaware of any interest outside the present application in targeting a version of a program to one or more users.

Applicants respectfully submit that commercials are fundamentally different from entertainment programs and that "versions of an entertainment program" are fundamentally different from version of a commercial, from different commercials, and from different entertainment programs. The Examiner would appear to be ignoring these limitations of the claims.

If the Examiner considers that the rejection is based on overly broad claiming rather than the obviousness of the invention as a whole, then Applicants respectfully request that the Examiner contact the undersigned to discuss the claim language.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

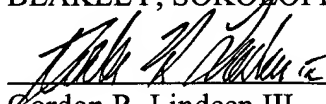
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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